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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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JAN 09 2006

OFFICE OF PETITION

Patent No. 6,399,176  
Application No. 09/269,723  
Filed: June 1, 1999  
Issued: June 4, 2004  
Applicants: Hubert Francois  
Title: Composite Wear Component  
Art Unit: 1772  
Examiner: S. Manlove  
Attorney Docket: 87085  
Customer No.: 22242

Confirmation No. 1493

CERTIFICATE OF MAILING

I hereby certify that this paper (along #13  
with any paper referred to as being  
attached or enclosed) is being deposited  
with the United States Postal Service  
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in an envelope addressed to the  
Commissioner for Patents, P.O. Box 1450,  
Alexandria, VA 22313 1450, on this date.

12/2/05  
DateTamara S. Was  
Tamara S. Was

NOTIFICATION OF ERROR IN PAYMENT OF FEES  
AS A SMALL ENTITY UNDER 37 C.F.R. § 1.28(c)

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TC 1700

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir or Madam:

1. The United States Patent and Trademark Office was previously advised of an error in payment of the issue fee as a small entity in a "Notification of Error in Payment of Fee(s) as a Small Entity" filed on February 23, 2005. Based upon recently received information, the statement in the Notification was incomplete.
2. On April 1, 1999, application 09/269,723 was filed, entering the U.S. National phase under 35 U.S.C. § 371, and a large entity fee of \$970.00 was paid.
3. On June 1, 1999, a small entity assertion was filed in the above-identified application (eventually issuing as U.S. Patent No. 6,399,176) and a refund in the amount of \$485.00 of the filing fee was requested and later received.
4. The assertion of small entity status in the application and the payment of fees as a small entity were done in error without any deceptive intent.

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5. Itemization of the Fee(s) Erroneously Paid as Small Entity

In accordance with 37 C.F.R. § 1.28(c)(2), the itemization of the deficiency payment is as follows:

Type of Fee Erroneously Paid and Date Fee Paid	Small Entity Fee Actually Paid	Deficiency Owed
Statutory filing fee paid on April 1, 1999	\$485.00	\$515.00
Petition for extension of time for reply within the first month paid on October 10, 2001	\$55.00	\$65.00
	Total Deficiency Owed	\$580.00

The current fee amount for other than a small entity for the filing fee in this application is \$1000.00.

The current fee amount for other than a small entity for the filing of a Petition for Extension of Time for reply within the first month is \$120.00.

Applicant previously submitted a Notification of Error in Payment of Fees as a Small Entity on February 23, 2005, and paid the deficiency owed (\$760.00) to correct the erroneous payment of the Issue Fee as a small entity.

Thus, the total deficiency payment owed is ( $\$1000.00 - \$485.00 = \$515.00$  plus  $\$120.00 - \$55.00 = \$65.00$ ) \$580.00.

Applicant requests that the total deficiency owed (\$580.00) be charged to Deposit Account No. 06-1135.

Applicant requests that the error in payment of fees as a small entity be excused upon payment of the deficiency between the amount paid and the amount due.

Applicant believes that there were no other fees paid as a small entity in the prosecution of the above-identified application.

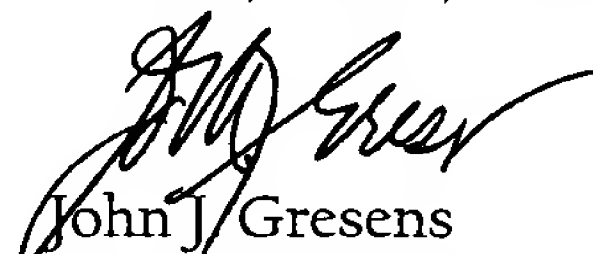
The Commissioner is authorized to charge any deficiency and/or additional fees required by this communication or credit any overpayment to Deposit Account No. 06-1135.

A duplicate copy of this paper is attached.

Application No. 09/269,723  
Filed: June 1, 1999

Respectfully submitted,

FITCH, EVEN, TABIN & FLANNERY



John J. Gresens

Registration No. 33,112

Date: December 2, 2005

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